

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

Thomas W. Ray,  Plaintiff,  vs.  Union Pacific Railroad Company,  Defendant.	No. 4:11-cv-00334-RP-HCA  <b>CONSENT MOTION TO EXTEND THE DEADLINE TO FILE A MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE PLB DECISION AND REFERENCE TO CURRENT EMPLOYMENT</b>
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COMES NOW Union Pacific Railroad Company (“Union Pacific”), pursuant to Local Rule 7(k), and submits a Motion to Extend the Deadline for Filing a Motion in Limine to Exclude Evidence of Public Law Board No. 6302’s April 18, 2013 Decision (“PLB Decision”) and any reference to Plaintiff’s current employment. In support of the Motion, Union Pacific states:

1. In the Court’s March 19, 2014 Scheduling and Trial Setting Order, the Court set the deadline for filing Motions in Limine in this case for 21 days prior to the trial in this matter, making the deadline August 18, 2014.

2. In anticipation of this deadline, the parties in the above-captioned matter worked together in good faith beginning on Wednesday August 13, 2014 to draft a stipulation regarding the exclusion of the PLB Decision and any reference to Plaintiff’s current employment.

3. This stipulation would have made it unnecessary for the parties to file Motions in Limine regarding the PLB Decision or reference to Plaintiff’s current employment.

4. While the parties were in agreement initially on the terms of the stipulation, Plaintiff's counsel informed Union Pacific's counsel on Monday, August 18, 2014 that counsel had reconsidered the stipulation and would no longer agree to its terms.

5. Because Union Pacific's counsel had relied upon Plaintiff's counsel's original assertion that the parties were in agreement on a stipulation to exclude the PLB Decision and any reference to Plaintiff's current employment, Union Pacific has not had sufficient time prepare a Motion in Limine regarding the PLB Decision or reference to Plaintiff's current employment.

6. Accordingly, Union Pacific Requests an additional two (2) days, up to and including Wednesday, August 20, 2014 to file its Motion in Limine to Exclude the PLB Decision and reference to current employment. Plaintiff's counsel has agreed to Union Pacific's request for this extension. Union Pacific has not requested an extension of this deadline previously.

7. Union Pacific does not request additional time to file any other Motions in Limine in this case.

8. Discovery ends in this case on August 26, 2014.

9. The Court's Scheduling and Trial Setting Order establishes the following other deadlines: a jury trial is scheduled on September 22, 2014, and a final pretrial conference is set for September 8, 2014. Union Pacific does not believe that the proposed extension of time to file a Motion in Limine to Exclude the PLB Decision and any reference to current employment will impact the remaining deadlines.

For all the foregoing reasons, Defendant requests that the Court grant Defendant's Motion to Extend its Deadline to File a Motion in Limine to Exclude the PLB Decision until August 20, 2014.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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